

*for Liaison/WARS*

30 NOV 1983

## MEMORANDUM FOR THE RECORD

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FROM:

[redacted] Deputy Chief, Information and Privacy Division

SUBJECT: Presidential Libraries Conference, Abilene, KA

1. General Comments: The conference was characterized by very frank and open discussion of many issues of common concern. CIA, although slow in replying to mandatory review (EO) requests, was rather well-regarded and frequently complimented, especially for our careful review, completeness of reply, and friendly letters. State and DOD did not fare so well. State took considerable flack for losing documents sent to them for review, and DOD drew fire for the actions of its Historians (see below). Steve Garfinkel, Director of the Information Security Oversight Office, announced that use of original classification authority government-wide is down--due almost entirely to CIA's increased use of derivative classification.

2. Executive Order 12356: Mr. Garfinkel said the media had given the public considerable misinformation about the effects of 12356 v. 12065, especially concerning reclassification of material. That "horror story" did not materialize, but he reminded us that all reclassifications must be reported to ISOO. He further asked that when classifying a document we consider first a date or event on which it may be declassified before using "OADR." He said, however, that "OADR" was the result of our collective experience that a declassification date could not always be established in advance.

3. Mandatory Review: Each of the libraries reported on the level of mandatory review requests. The Nixon and Carter projects have none. Dennis Daellenbach of the Ford Library says that they are servicing two requests--one for about 1640 pages of a CIA series on oil, which CRD is handling, and another on the sale of grain to the USSR consisting of 18 documents. Suzanne Forbes reported 53 requesters at the Kennedy Library for whom they are processing some 2600 pages of material. She asks that reviewing agencies send the library copies of any sanitized documents and that the document numbers be noted in the letter to the requester so that their drop copy will be meaningful. I believe we are doing this. David Humphrey of the Johnson Library said that they submitted to various agencies about 5000 pages for review, of which 85% has been released, either in whole or in part. In addition, the Johnson Library has submitted about 4000 pages for review in

response to the CBS/Westmorland subpoena. The Truman Library has 18 researchers working in its material, and the Eisenhower Library reported 652 new requests in 1983--some 12,600 pages submitted for review.

4. I explained the proposed legislation and gave an opinion as to its possible effect on mandatory review. Specifically, I expressed the belief that the wording of the Executive Order insofar as identification of documents requested is concerned, would make it difficult for a requester to use the Executive Order to circumvent the closure of operational files under FOIA. Also, I said that our legal staff believes that the 1947 statute being amended is a stronger law and Congress would not want it circumvented by use of an Executive Order. Mr. Garfinkel disagreed with this--ie, that the statute is of a higher order--but said the Executive Order could be amended to plug any loopholes if necessary.

5. Systematic Review: Mr. Garfinkel said one of the minus factors of the new Executive Order is the decline in systematic review, which he perceives as mainly a resource problem, especially at NARS. Alan Thompson has only 10 people, himself, his deputy, his secretary, and seven reviewers to handle mandatory review, FOIA, and systematic. He estimated about two man years were spent on systematic last year. Their main effort is a joint one with State to review about 6000 feet of 1950-54 records in RG 84 and RG 89, Post and Departmental files. They are about half way through this block, which will be accessioned into NARS upon completion around 1986. Then they will tackle the 1955-59 block.

6. NSA has reviewed about 5.5 million pages to date; about 4 million are exempt from release. They have written 50 unclassified histories, one of which was published by a private firm and sold for \$29.00 per copy.

STAT 7. [ ] of NSA explained how Bamford got some of the information for his book, The Puzzle Palace. General "Pat" Carter, President of the Marshall Foundation, gave a rather large collection to the Marshall Library at VMI with instructions that it remain closed. The archivist at the Marshall Library opened some of it to Bamford, who used it in his book. Some of it is unmarked personal correspondence, but very sensitive. NSA and General Carter have asked that it be reclosed and classified. A congressional committee is threatening to hold a hearing if this is done.

8. The Army is processing some 10,000 feet of unit records from Vietnam.

9. Foreign Relations of the U.S. (FRUS): William Hamilton of Department of State said that their historian, Mr. Slaney, is trying to prepare a well-rounded history of the foreign

relations aspect of the Vietnam war. The first volume will be 1955-57 followed by 1958-60. Eventually they plan to take it forward to 1975. These studies will be similar to other FRUS volumes, but the amount of work involved may delay work on other FRUS collections.

10. State is experiencing problems in trying to publish earlier than 30 years, mostly because of foreign governments. No other government reviews for declassification short of 30 years, and France reviews at 50 years. Publication of material newer than 30 years old has too many gaps. It takes an average of four years to publish a FRUS volume.

11. Department of Defense: David Whitman of the Office of the Assistant Secretary of Defense reported that NSA has declassified some WWII material and turned it over to Archives along with some sanitized histories, such as the one on the U.S.S. Liberty.

12. The libraries complained that some DOD historians are requesting access to closed files to write classified histories; they then send the histories around for declassification review. Some misgivings were expressed concerning the quality of these works, as well as the ethics involved. One librarian suggested that the historians appear to be writing college term papers. Mr. Whitman said that should not be; Mr. Thompson said flatly that it would not be tolerated.

13. Non-disclosure agreement: Mr. Garfinkel said that the Willard Report had recommended some form of non-disclosure agreement and prepublication review, both of which have been judged constitutional by the Supreme Court. One problem on the proposed form is with the statement the witness signs; many people do not want to witness the agreement for a fellow employee. It reads: "The execution of this agreement was witnessed by the undersigned, who, on behalf of the United States Government, agreed to its terms and accepted it as a prior condition of authorizing access to classified information."

14. Miscellaneous discussion items: Many agencies and libraries are being inundated with requests from Scott Armstrong of The Washington Post. Mr. Garfinkel said it is his understanding that Armstrong is on a sabbatical from the Post to write the definitive work on how national security decisions are made. Insofar as anyone at the conference knew, Armstrong is not a historian or otherwise qualified to do such a study. Among other requests, Armstrong has asked DOD for copies of all 1300 of their classification guides and has gotten most of them. We denied him ours.

15. Jo Ann Williamson of NARS said that NARS will no longer loan records back to the originating agency once they are accessioned. This appears to be a reaffirmation of the policy they have already stated regarding our OSS records accessioned several years ago. If a record is legally the property of NARS, the originating agency may review it at NARS, but NARS will be the releasing authority.

16. One of the libraries has run into an interesting problem. A requester showed the archivist some classified documents that had come into his possession. How he came to have them was not known. A discussion of the archivist's problem ensued, and it was generally agreed that such situations should be reported to the agency originating the documents, Department of Justice, or ISOO with as much information as can be obtained without letting the researcher know it is being reported. Archivists were advised to use some helpful tactic to get the documents away from the researcher, such as offering to have them reviewed for declassification.

17. On the subject of mandatory review appeals on White House documents, Brenda Reger said she supports our deletions without referral unless NSC disagrees with our decision. In those cases, we will be asked to take the appeal. FOIA cases are always referred to us on appeal.

STAT 18. [ ] of NSA brought up the questions of who should get SI documents first for review. In general, he was referring to our publications containing SI material. I suggested that we should review them first to determine what portions are SI and then either delete the material or refer it to NSA.



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